

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ELLA JANE McCRAY,

Plaintiff,

v.

**CITY OF EUFAULA, ALABAMA,
STEVE HANNERS, and DAVID
DUBOSE,**

Defendants.

Case Number 2:06-cv-309-MHT

JOINT RULE 26(f) REPORT

Plaintiff Ella Jane McCray and defendants the City of Eufaula, Alabama, Steve Hanners, and David Dubose jointly submit this Rule 26(f) report.

I. Pursuant to the United States Supreme Court's decision in Harlow v. Fitzgerald, the defendants have moved the Court to stay discovery pending a determination of their motion to dismiss. 457 U.S. 800, 818 (1982) ("Until this threshold immunity question is resolved, discovery should not be allowed."). If the Court is not inclined to stay discovery, the defendants and the plaintiff agree to the following discovery plan.

II. On June 5, 2006, the parties agreed to a discovery plan under Federal Rule of Civil Procedure 26(f).

III. Pre-Discovery Disclosures. The parties will exchange by July 12, 2006, the information required by Fed. R. Civ. P. 26(a)(1).

IV. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

- A. Discovery will be needed on the following subjects:
 - 1. The doctrines of qualified immunity, state-agent immunity, and sovereign immunity.
 - 2. The facts and circumstances surrounding the events made the basis of this lawsuit;
 - 3. Expert witness opinions; and
 - 4. The damages claimed by the plaintiff.
 - B. All discovery should be commenced in time to be completed by June 1, 2007.
 - C. A maximum of forty interrogatories should be allowed by each party to any other party.
 - D. A maximum of forty requests for production should be allowed by each party to any other party.
 - E. A maximum of forty requests for admission should be allowed by each party to any other party.
 - F. A maximum of six depositions by plaintiff and six by defendant should be allowed.
 - G. Each deposition should be limited to a maximum of seven hours, unless extended by agreement of parties.
 - H. Reports from retained experts under Rule 26(a)(2) should be due:
 - 1. From the plaintiff by September 4, 2006; and
 - 2. From the defendant by October 16, 2006.
 - I. Supplementations under Rule 26(e) should be due February 5, 2007.
- V. Other Items.
- A. The parties do not request a conference with the Court before entry of the scheduling order.
 - B. The parties request a pretrial conference on June 22, 2007.

- C. The plaintiff should be allowed until July 14, 2006, to join additional parties and to amend the pleadings.
- D. The defendant should be allowed until July 28, 2006, to join additional parties and to amend the pleadings.
- E. All potentially dispositive motions should be filed by April 20, 2007.
- F. Settlement cannot be evaluated prior to May 18, 2007.
- G. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the plaintiff by June 25, 2007.
- H. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the defendant by June 25, 2007.
- I. Parties should have fourteen days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- J. The case should be ready for trial by July 23, 2007, and at this time, is expected to take approximately two days.

Dated: June 5, 2006.

/s/ James H. Pike

James H. Pike (PIK003)

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